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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Thomas Zdeblick et al.

Serial No.: 10/763,719

Filed: January 23, 2004

METHODS AND INSTRUMENTS  
FOR INTERBODY FUSION

) Before the Examiner  
) Alvin J. Stewart

) Group Art Unit  
) 3738

) Ref. No. PC261.21/4002-3456

) June 8, 2005

**NOTICE OF APPEAL**

MAIL STOP AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

June 8, 2005

(Date of Deposit)

Charles J. Meyer

Name of Registered Representative

*Charles J. Meyer*  
Signature

June 8, 2005

Date of Signature

Final rejection of claims 53, 63-64, 66 and 68-70 was mailed from the U.S. Patent and Trademark Office on December 8, 2004.

Applicant hereby appeals the Examiner's final rejection of claims 53, 63-64, 66 and 68-70 pending in the subject application. Applicant encloses a credit card payment form in the amount of \$500.00 of which is in payment of the fee specified under 35 U.S.C. §1.17(b). In addition, please grant any necessary extensions and charge any additional fees which may be due to Deposit Account No. 23-3030, but not to include the payment of any issue fees.

Respectfully Submitted,

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Notice of Appeal  
Application Serial No. 10/763,719  
Inventor: Thomas Zdeblick et al.  
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